

BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 236

ORDINANCE REQUIRING THAT CERTAIN OCCUPIED BUILDINGS IN THE BOROUGH OF ORWIGSBURG ACCESSIBLE TO CERTAIN WATER DISTRIBUTION MAINS BE CONNECTED THEREWITH; PROHIBITING CERTAIN INTERCONNECTIONS WITH PUBLIC WATER SUPPLY SYSTEMS; REQUIRING PERMITS FOR CONNECTIONS TO PUBLIC WATER DISTRIBUTION MAINS AND PROVIDING FOR CONNECTION RULES AND EXCEPTIONS FROM CONNECTIONS IN CERTAIN CASES; PROVIDING FOR THE SEVERABILITY HEREOF; REPEALING INCONSISTENT ORDINANCES AND RESOLUTIONS; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Borough of Orwigsburg (the "Borough") intends to improve and expand its existing water system to serve the residents of the Borough; and

WHEREAS, The Borough Code, Act of February 1, 1966, P.L. (1965) 581, S2461, 53 P.S. S47461, provides for mandatory connections to and use of a water supply system; and

WHEREAS, to promote the health and welfare of residents of the Borough, it is advisable to require owners of property abutting streets and roads in which there is a water main owned by the Borough to make connections with such water mains as provided by the Borough Code;

NOW, THEREFORE, the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, hereby ordains and enacts that:

Section 1. Definition. As used herein, the following terms shall have the meanings stated:

(a) "Occupied Building" means a structure designed for continuous or periodic human occupancy in or about which water is consumed, and includes, without limiting the generality of the foregoing, dwellings, flats, apartments, stores, shops, offices, and

business or industrial establishments.

(b) "Person" means any individual, firm, company, association, society, partnership or corporation.

(c) "Water Distribution Main" means facilities (including any part of, but not necessarily the entirety of, a system of such facilities) owned and operated by the Borough for the distribution of water within the Borough, but shall not include a water main not customarily used to provide direct connection to an occupied building of the type which otherwise would be required by this Ordinance to connect thereto.

(d) "Property Accessible" to a Water Distribution Main means property which abuts upon any street or road in the Borough in which there is a Water Distribution Main.

Section 2. Mandatory Water Connection. Within ninety days after the enactment of this Ordinance and at any time after acquisition or construction of any public Water Distribution Main, the Borough shall cause notice to be published once in a newspaper of general circulation in the Borough, such notice to state that owners of property accessible to a Water Distribution Main upon which is located any Occupied Building are required, pursuant to this Ordinance, to make connections therewith for the purpose of conducting water to such property. The Borough shall cause a copy of such notice, together with a copy of this Ordinance and any rules or regulations of the Borough then in effect imposing water connection fees and charges, to be served either by personal service or by registered mail, upon each person known to the Borough to own such property not then so connected.

Section 3. Connections at Expense of Owners. The owner of any property accessible to a Water Distribution Main shall, at his own expense, connect all Occupied Buildings upon such property with such water line for the purpose of connecting water to such property.

Section 4. Private Water Interconnections Prohibited. It shall be unlawful for any person to connect any private well or other private source of water to any line or system through which flows water from a public Water Distribution Main. Any such connection made in violation hereof is hereby declared to be a nuisance which shall be abated as provided by law. In addition, any such connection shall be reported to the proper law enforcement authorities for prosecution under any other applicable law of the Commonwealth of Pennsylvania.

Section 5. Separate Systems. No owner of a farm or industry having a separate system to supply water for uses other than human consumption shall be required to connect that system to a public Water Distribution Main, provided that such separate system does not violate the provisions of Section 4 of this Ordinance.

Section 6. Fees and Permits. No connection shall be made to any public Water Distribution Main, except upon payment to the Borough of the prescribed connection or tapping fee and upon permit issued by the Borough pursuant to rules and regulations regarding connections promulgated by the Authority.

Section 7. Enforcement of Connections. If any person required by Section 3 hereof to make a connection to a public Water Distribution Main fails to do so within ninety days after the notice referred to in Section 2 hereof has been served upon him, the Borough shall proceed, as provided by law, to enter upon the property, to make such connection and to collect the costs thereof by municipal lien or otherwise in the name of the Borough.

Section 8. Payment of Costs of Connections by Owner. The costs of making such connection pursuant to Section 7 hereof, including expenses and attorney's fees, shall be payable to the Borough at its office at Borough Hall, Orwigsburg, Pennsylvania or at such other location as the Borough shall designate.

Section 9. 150-Foot Limitation. Notwithstanding any other provision hereof, no Occupied Building on any property accessible to a public Water Distribution Main shall be required to be connected to a public Water Distribution Main if the distance between such part of such Occupied Building as is nearest to the public Water Distribution Main in question and such public Water Distribution Main shall exceed 150 feet, unless the Borough shall first find that the connection of the specific Occupied Building is necessary for the health, safety and welfare of the inhabitants of the Borough. For the purpose of determining the distance referred to in this section, "public Water Distribution Main" shall include any curb lateral extending from a water main to a property or curb line.

Section 10. Severability. If any of the provisions of this Ordinance, or the application of any provision hereof, shall be held invalid, such invalidity shall not affect or impair the remainder of this Ordinance, it being the intention of the Borough that such remainder shall continue in full force and effect.

Section 11. Repealer. All ordinances and resolutions or parts thereof in conflict or inconsistent herewith are hereby repealed.

Section 12. Violations. Any person violating any provision of this Ordinance shall be served, either by personal service or by registered mail, by the Borough with written notice stating the nature of the violation and prescribing a reasonable time limit for the correction thereof. Any person continuing such a violation beyond such time limit shall be subject to a fine in an amount not exceeding \$100 for each offense. Each separate building or dwelling unit in respect of which a violation occurs and each 90-day period during which a violation continues shall be deemed a separate offense.

DULY PRESENTED, ORDAINED and ENACTED into an Ordinance this 11th day of June A.D., 1980, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

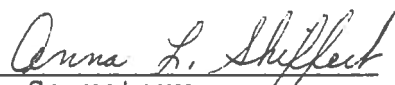
BOROUGH OF ORWIGSBURG
Schuylkill County, Pennsylvania

By:



President of Council

ATTEST:



Secretary